CROUNSE CORPORATION

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RIVER TRANSPORTATION

March 5, 2001

Docket Management Facility
U. S. Department of Transportation
Nassif Building, Room PL-401
400 Seventh Street, S.W.
Washington, D.C. 20590-0001

Re: Supplemental Notice of Proposed Rulemaking
33 CFR Part 164
46 CFR Part 25 and 27
Docket - USCG 2000-6931 -34

Dear Coast Guard Representative:

The purpose of this correspondence is to comment on the supplemental notice of proposed rulemaking (SNPRM) dated November 8, 2000, entitled Fire-Suppression Systems and Voyage Planning for Towing Vessels. Please understand that Crounse Corporation is a charter member of the American Waterways Operators and is committed to safety and environmental protection. As a long-standing advocate of safety initiatives, we have supported many of the Coast Guard's rulemakings aimed at increasing the safety of towing operations on the Western Rivers. However, we do not believe that the proposed regulations solve real problems in a cost effective and responsible manner. Therefore, we cannot support this proposed rule. Please consider the following comments as you evaluate possible revisions in a subsequent Interim Final or Final Rule.

Comments - Fixed Fire-Suppression System
We are a dry cargo inland river transportation company operating 25 inland towing vessels ranging in size from 1200 to 3600 horsepower. Our barge fleet consists entirely of 735 dry cargo open hopper barges. Crounse's primary area of operation is upon the Ohio River, its tributaries and the Tennessee-Tombigbee Waterway. None of our vessels are currently equipped with fixed fire-suppression systems. Our corporate record has been exemplary among our industry peers concerning this matter. Our vessels are equipped well over the number of portable fire

extinguishers required and are also equipped with two dedicated fire pumps (each having the capacity of more than 140 gpm).

We have read the preamble and are familiar with many of the arguments, in favor and opposed to the installation of fixed fire-suppression systems in general, and the requirements of the supplemental notice of proposed rulemaking in particular. As you are aware, § 902 of the Coast Guard Authorization Act of 1996 required "...the use of a fire suppression system or other measures to provide adequate assurance that a fire on board a towing vessel that is towing a non-self-propelled tank vessel can be suppressed under reasonably foreseeable circumstances...." The language Congress wrote in the Act afforded the Coast Guard discretionary authority in the fire suppression requirement. The statute does not mandate the fixed fire suppression alternative. Further, Congress directed that the Coast Guard consider "...the characteristics, methods of operation, and nature of the service of towing vessels..." in contemplating fire suppression requirements. We submit that the exterior and interior watertight closures of seagoing towing vessels makes fixed fire suppression applicable for that environment. Further, fighting a shipboard fire at sea affords two alternatives; extinguish the fire or abandon ship into an often treacherous ocean environment. Towboats found on the Western Rivers are not equipped with watertight closures and operate in close proximity to the shoreline where fire fighting capability can be augmented by shore-side services and crews can easily escape. We are convinced that extra portable extinguishers, four hose stations powered by two dedicated fire pumps and the regular drills and training performed by our crews provide suitable "other measures" to meet fire suppression requirements.

As noted in the preamble to the proposed rule, the desired intent of the regulations is to "...reduce the number of uncontrolled fires in engine rooms and other fire-related or operational mishaps on towing vessels." The proposed goal of the rule is to save lives, diminish property damage and reduce threats to the environment. Concerning the SCANDIA and NORTH CAPE incident, we are unaware if the towing vessel SCANDIA was equipped with a fixed fire suppression system. Assuming it was not so equipped, we submit that the NORTH CAPE spill off the coast of Rhode Island would not have been averted even if a fixed fire suppression system had been installed and used. The discharge of the CO_2 into the confined space of the SCANDIA's engine room would most likely have stopped propulsion engine(s) and generator units leaving the vessel virtually helpless. While the fire aboard the SCANDIA may have created the loss of power, it was the latter element which resulted in the foundering of the vessel and its tow. Absent from the preamble were any discussions related to

the loss of propulsion and power systems aboard vessels following the discharge of a fixed CO_2 system. In the Western Rivers environment, discharging the fixed fire-suppression system may not be the most prudent course of action. Many factors are subject to critical evaluation prior to such a decision including; the proximity of the tow to other vessels, locks and dams, recreational facilities, bridges, metropolitan areas as well as the current river stage and the type of cargoes carried. It is our opinion that a decision to flood an engine room space must be made solely by the Master or operator in the wheelhouse who is cognitive of those factors. Systems designed to activate manually with remote pull stations outside the protected space as prescribed in Subchapter H, create an increased hazard to the crew, surrounding vessels and the marine environment if the system were to be pulled by a well-intentioned crew member at a critical navigational juncture.

There are many positive features to argue that CO_2 is the preferred suppression agent for high-risk areas such as paint lockers and perhaps engine rooms: it will not harm machinery, leaves no residue, it does not conduct electricity, and may be used on live electrical equipment. The chief disadvantage of CO_2 flooding systems is that the space must be able to be sealed and ventilation secured in order for the smothering effect of the agent to extinguish a fire. While the ventilation fans can easily be secured, most engine rooms aboard inland towing vessels cannot be adequately sealed. The vast majority of engine rooms aboard inland towing vessels are constructed with large windows and doors. The point you make (pg. 66943) about adding extinguishing agent to compensate for the quantity of gas that escapes from "uncloseable openings" during a discharge is not a reasonable expectation. On smaller vessels, such as the ones owned and operated by our company, there is a substantial lack of adequate storage space for the bank of CO_2 bottles and, more serious, there is the substantial risk of re-flash. While CO_2 is an effective extinguishing agent for Class B fires, it has little value as a cooling agent. We are both aware that for CO_2 to be effective, it takes time to smother the fire. In the case of a towboat, where openings cannot be adequately sealed, time becomes a hindrance to the extinguishing process and the dispersal of the CO_2 creates an increased opportunity for re-flash. Additionally, it is extremely dangerous to enter a compartment flooded with CO_2 without a proper breathing device.

In summary, while we applaud your attempts to provide a safer environment for crews and the general public, we cannot support your attempts to do so via the fixed fire-suppression system venue. Crounse Corporation believes there are "other measures" which can satisfactorily address fire-suppression without the

installation of a fixed fire-suppression system. In the case of our company, with more than fifty-two years of service, current systems and training have yielded one of the best records in the industry. Further, while the data you provide in the Marine Safety Management System is a reasonably accurate account of fire events between 1992 and 1996, it does not reflect fires which may have occurred among certified responsible carriers under the American Waterways Operators Responsible Carrier Program (RCP). The standards outlined in the RCP include preferred industry operating principles and practices in the area of company management, onboard equipment and inspection, and human factors. Before imposing such an onerous requirement upon the industry at large, is seems appropriate to focus on the intent of Congress and to assess the results of companies participating in the voluntary standards of conduct for the tugboat and towboat industry, the Responsible Carrier Program.

Comments - Voyage Planning
As an operator solely restricted to the Western Rivers, we are concerned that the overall context of "voyage planning," as specified in the proposed rule, is not appropriate to Western Rivers towing operations. We would first submit that we conduct actions on a daily basis representative of the voyage planning rules outlined in 33 CFR §164.80. The logical question you may raise is, "if you are planning voyages now, why are you opposed to formalizing your actions as outlined in the proposed rule?" Mention is made of "pre-departure checks," "applicable information....for each port of call" and "data...on river stages, with forecasts" to mention a few. The regulations are unclear concerning the end product of the rulemaking. Is it intended that the foregoing items, et al, be documented in the log or on some checklist kept for a specified period of time, or is the intent merely to be cognitive of such items? If the end result is to produce a piece of paper to provide, as you say in the preamble, "...the needed leverage over the operators who do not observe...good marine practice...," then we see no value gained in the name of safety for operators on the Western Rivers, and therefore, do not support this rulemaking.

Lest you form an opinion that ordinary prudent seamanship and operations is abandoned in Western Rivers operations, let us offer the following comments concerning our reluctance to support the voyage planning initiative, and provide some insight into our concern and to river operations in general.

At least twice per day, traffic managers contact vessels by voice communications concerning specific vessel plans. That is to say, which barges are to be dropped and where, as well as which other

barges are to be added to the tow and where they are currently moored. Other specific plans may include which boat to turn, and other operational issues including personnel and mechanical issues which may require attention. During these discussions, river/channel conditions, river stages, weather, barge conditions and barge drafts are always discussed. Our captains and pilots have the final authority on the size of their tow. These practices are prudent and routine in the industry, especially among those carriers certified under the American Waterways Operators Responsible Carrier Program.

Under the proposed regulations, voyage planning is required for each intended "trip or voyage" which takes more than twelve hours. The regulations, however, fail to define what constitutes a trip or voyage other than being in excess of the specified twelve hours. It seems that a definition of a "voyage" is more intuitive in the coastal towing environment. A vessel departing Norfolk bound for New York is on a "voyage;" there is a clear defined port of origin and a defined arrival port. In the Western River environment, a trip or voyage is not as apparent. For example, barges loaded with coal on the Kanawha River near Point Pleasant, WV, are to be delivered to a power plant near Demopolis, AL. During the course of that 1200 mile transit, those barges may have been towed by as many as six different boats. With rare exceptions, towboats are continuously under way, and are frequently picking up and delivering barges as they navigate up and down river from one customer dock to another. Towboats will often turn, or trade, barges in tow with another boat as in the example cited above. Therefore, is a trip or voyage defined by the movement of the barge and cargo, or by the movement of the towboat? In the context of §164.80(c), the voyage appears to be based on the movement of the boat. Since our vessels remain underway constantly and our crews work a twenty-one day work cycle (twenty-one days on and twenty-one days off), perhaps each regular twenty-one day work cycle is considered a voyage. What constitutes a voyage if there are intermediate stops to add or drop off barges? Do each of these legs of the trip constitute a separate voyage? Do each of the separate legs require a "plan" as outlined in 33 CFR §164.80?

Within the proposed regulations, mention is made that the "...master must check the planned route for proximity to hazards and known environmentally sensitive areas (noted on charts or maps) before the trip or voyage starts." Environmental sensitivity, while most often used in the wildlife context, is also applicable to broader interpretations including, but not limited to municipal water intakes, recreational marina areas and residential areas to mention a few. What is the intended context of the term and who designates such areas?

As noted above, voice communication between traffic managers and our respective vessels occurs at least twice daily. During those conversations, specific plans are made concerning picking up and dropping off various barges in tow as well as possibly "turning" other boats. In paragraph §164.80(c) it is noted that "...during a trip or voyage, if anyone in authority decides to deviate substantially from that route, then the master or mate must ensure the development of a plan for the new route before the vessel does deviate from the plan for the current route...." In order to remain responsive to our customer requirements, as well as making efficient use of our equipment, we must maintain flexibility in boat assignments. To this end, deciding to turn tows, to add or drop barges and other equipment decisions are made daily based on continually changing circumstances. With the possible exception of liquid unit tows, the concept of a towboat picking up a tow at Point Pleasant, WV and delivering that same tow to Demopolis, AL, is an unrealistic view of river traffic operations. There is no clear port of departure or port of destination for our towing vessels.

From the example noted above, you can easily see that we transit vast geographic areas. Our vessels are not equipped with either weather fax or internet capability thus complicating the ability of a master to obtain any weather conditions, other than local weather, nearly impossible. Further, even if weather collecting capabilities were present on board, obtaining information on conditions today at a port of destination (assuming we can define a port of destination) becomes irrelevant due to the length of time required to accomplish the transit. This requirement has relevance for coastal voyages, but is not appropriate for river operations.

Concerning the proposed requirements in §164.80 (1), navigation safety regulations addressing equipment, charts and publications already exist and have been effective since 1996. It is not clear what additional "applicable information" is required or desired. Additionally, it is not clear what format such "applicable information" is to take. If the intent is to merely re-write a portion of an existing document in order to produce some type of documentation, what is the value gained? Similarly, with regard to "communication contacts" in §164.80 (7), the proposed requirements are vague and appear to be unnecessary in light of current regulations found in 33 CFR §164.72, 33 CFR Part 26 and the Federal Communication Commission requirements in 47 CFR Part 80, et al. The proposed requirement seems inappropriate and redundant.

Data on river stages is provided by the respective U.S. Coast

Guard Group Offices twice per day. As a matter of good marine practice that information is shared from watch to watch, just as information on general river conditions has been shared since the early steamboat days. Further, as a AWO certified Responsible Carrier, we and other responsible carriers, have specific guidelines for various circumstances which may develop aboard or be encountered by our vessels. These guidelines are in effect, standing orders. The concept of "closest point of approach" (CPA) is not one embraced or appropriate in the Western Rivers operations. As designated by the Secretary of Transportation, waters of the Western Rivers, including the Tennessee-Tombigbee Waterway are Narrow Channels as defined in Rule 9 of the Inland Navigation Rules. CPA on the Western Rivers is often measured in feet.

We offer these comments and concerns in the spirit of providing some insight into Western River operations. We are hopeful that you will reconsider the onerous nature of the proposed rulemaking in light of the comments noted above. If we can be of any assistance or if you have any questions related to the foregoing, please do not hesitate to contact us.

Sincerely,

Stephen D. Little
President

Copy: Senator Mitch McConnell
Senator Jim Bunning
Congressman Ed Whitfield
American Waterways Operators